IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 2032 OF 2007 (O&M)

DATE OF DECISION: February 19, 2007

Parties Name

Ankita and others

..PETITIONERS

VERSUS

Central Board of Secondary Education, New Delhi and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE VINOD K. SHARMA

PRESENT: Mr. A.K.Bansal,
Advocate, for the petitioners.

Mr. Rakesh Verma, Advocate, for
petitioners in CWP No. 2331 of 2007

Mr. S.D.Sharma, Advocate, for the petitioners
in CWP No. 2153 of 2007

Mr. Navkiran Singh, Advocate,
with Mr. Vikas Singh, Advocate, for the petitioners
in CWP No. 2062 of 2007

Mr. K.S. Boparai, Advocate, for the petitioners
in CWP No. 2019 of 2007.

Mr. Anupam Gupta, Standing Counsel for respondents-2&3,
with Shri Vivek Sharma, Advocate.

Mr. Harsh Aggarwal, Advocate, for CBSE, respondent No.1

Mr. Akshay Bhan, Advocate, for respondents No. 4 to 7.

JASBIR SINGH, J. (oral)

Order.

This order will dispose of five connected Civil Writ Petitions bearing No. 2332, 2331, 2153, 2062 and 2019, all of the year 2007.

Petitioners are students of Xth Class in Ryan International School, Sector 49-B, Chandigarh, respondent No. 4 (for short respondent – School). In these writ petitions, it is their prayer that directions be issued to Central Board of Secondary Education, New Delhi ,respondent No. 1, (for short respondent -Board), to allow them to appear in Xth Class examinations commencing from 2nd day of March, 2007. It is their further prayer that the respondents be directed to complete all the necessary formalities, which will enable the students concerned to appear in the above said examinations. It is also prayed that the petitioners be allowed to appear through some affiliated branch of respondent No. 4 or through some other School, affiliated to the respondent -Board

It is not in dispute that respondent – School has not yet been granted affiliation by the respondent – Board. Regarding prayer for affiliation of the School, counsel for the respondent – Board, by referring to the Rules, raised serious objections. Be that as it may, we are not dealing with that dispute in this writ petition. So that future of the students may not be harmed, petitioners, U.T. Administration and the respondent – Board were asked to take a sympathetic view of the entire situation and then suggest some viable alternative so that the petitioners and other students, similarly situated, can appear in the Xth class examinations, to be conducted by the respondent -Board. We appreciate the efforts made by the parties concerned in that regard.

Shri Anupam Gupta, Advocate, who has put in appearance on behalf of respondent – UT Administration, states that the Administration is ready to adopt all the students, as their own students and within this week, their examination forms will be sent to the respondent – Board, as per norms. It is also stated that so far as internal assessment marks and practical

marks are concerned, the Administration will get details of the marks, already determined by the respondent – School, and if the Administration is satisfied, it will send those very marks, given to the students, to the respondent – Board under signatures of its competent officer. If need be, the Administration will conduct examination(s) and practicals to reassess the internal marks for the students. This exercise will be done immediately after examinations of the respondent – Board for class Xth come to an end.

Shri Harsh Aggarwal, Advocate, who has put in appearance on behalf of the respondent – Board, very fairly states that this arrangement is acceptable to the Board as a one time exception. He has opposed the prayer for affiliation of the respondent – School. Shri Aggarwal further states that if the examination forms of the students concerned, along with requisite fee are sent to respondent – Board within five days from today, the Board shall permit the students to appear in Xth class examinations, commending from March 2, 2007.

In view of the consensus arrived at between the parties, these writ petitions are disposed of . Respondent – School is directed to hand over all the records of the petitioners and other similarly situated students to the respondent – UT Administration , along with examination forms etc. within two days from today. The respondent – UT Administration will then send those forms to the respondent – Board forth-with. Regarding internal assessment and practical marks, the respondent – UT Administration may send the marks, already determined by the respondent - School in that regard, under signatures of some responsible officer of the UT Administration, or may conduct examination/practicals for the said purpose after the examinations to be conducted by the respondent – Board, come to an end and send the marks to the respondent – Board immediately

thereafter. Directions are issued to the respondent – Board to allow all the students, whose forms will be sent by the Administration to it, to appear in the examinations. This order is without prejudice to the rights of the respondent – Board to raise any objection so far as prayer for affiliation of the respondent – School is concerned.

Copy of this order, attested by the Court Secretary, be given to counsel for the parties.

(Jasbir Singh)
Judge

(Vinod K. Sharma)
Judge

February 19, 2007.
DKC